

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

PUBLIC SERVANTS - A.P.S.H.C.L. - Sri A.Surender Goud, A.E. (Removed), formerly at Kodangal, Mahabubnagar District - Appeal filed against his removal - Admitted - Modification of punishment - Orders - Issued.

HOUSING (VIG.CELL) DEPARTMENT

G.O.Rt.No. 32

Dated 11th February, 2009

Read the following:-

1. Appeal dated 30.07.2008 of Sri A.Surender Goud, A.E. (Removed), formerly at Kodangal, Mahabubnagar District.
2. Govt. Letter No.2730/Vig.Cell/2008-1, Housing (Vig.Cell) Department, dated 07.08.2008.
3. From the M.D., A.P.S.H.C.L., Hyderabad Letter No.Vig(2)/4817/MBNR/2003-2, dated 05.09.2008.

O R D E R:

In the appeal first read above, Sri A.Surender Goud, A.E. (Removed), formerly at Kodangal, Mahabubnagar District, has submitted that while he was working as Assistant Engineer, A.P.S.H.C., Madgula, he was awarded with the punishment of "removal from service" apart from recovery of Rs.21,630/- with 12% interest, on the alleged issuance of huge quantity of cement to the persons, who were not sanctioned the houses under WSHP in Kodangal Section. That on 01.11.2007, he submitted his reply to the show-cause notice through the District Manager, Mahabubnagar. But, the Office of the District Manager, Mahabubnagar has not forwarded the same to the O/o. the M.D., A.P.S.H.C.L., Hyderabad in time to consider his explanation before passing final orders. That Sri K.R.A. Prasad, Work Inspector has agreed before the District Manager, Mahabubnagar for his responsibility in this case and remitted Rs.5,000/- through D.D. on 15.03.2005 and requested to deduct the balance amount recoverable from his monthly pay and allowances. That on conclusion of disciplinary proceedings, Sri K.R.A. Prasad, Work Inspector was removed from service. In view of the commitment given by Sri K.R.A. Prasad, Work Inspector (Removed), Sri Surender Goud, Asst. Engineer (Removed) has requested to award a lesser punishment than "removal from service" as his mistake is a procedural irregularity and not involved in any misappropriation.

2. In the letter 3rd read above, the Managing Director, A.P. State Housing Corporation Limited, Hyderabad, who has been consulted in the matter, has stated that based on the report of the Deputy Executive Engineer, Narayanpet, among others, disciplinary proceedings were initiated against Sri A.Surender Goud, Asst. Engineer by issuing articles of charges and he submitted his explanation to the charges. That the Executive Engineer (V&QC), Head Office was appointed as Enquiry Officer to conduct regular enquiry into the charges framed against him. That the Enquiry officer after conducting enquiry submitted his report and observed that the Charged Officer has not shown any cement account. In the Show-cause Notice No.Vig(2)/4817/MBNR/2003, dated 31.03.2007, Sri A.Surender Goud, Asst. Engineer was directed to submit his explanation for recovery of Rs.70,195/- (being the 50% of the value of 1363 bags of cement) + 12% interest and also for appropriate punishment and that the individual has failed to submit his explanation to the said show-cause notice. That after careful examination of the enquiry report with material available on record, the disciplinary proceedings initiated against Sri A.Surender Goud, Asst. Engineer, were disposed off by awarding punishment of 'removal from service' besides recovery of Rs.21,630/- (being the 50% of the value of 640 bags of cement) with 12% interest vide Proceedings No.Vig-2/4817/MBNR/2003-2, dated 24.01.2008. That aggrieved by the punishment awarded, the individual filed an appeal petition to the Board for re-examination and to set-aside the same. That the Board in its meeting held on 25.06.2008, resolved to reject the appeal petition.

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3. Government after careful examination of the entire matter observed that removal from service is one of the highest penalties under rule-9 of A.P.C.S. (CC&A) Rules that is to be imposed in cases where the irregularities committed by the employee are grave and when they are proved and established fully beyond any doubt. In this case, the charge is not established as can be seen from the report of the Enquiry Officer. Indeed, there is an element of unaccounted issue of certain quantity of cement for which the Charged Officer is only one of the persons accountable. While there is an element of non accounting, there is no proof that cement has been issued to unauthorized beneficiaries. Therefore, the punishment of removal will be unduly harsh and highly disproportionate to the alleged charge.

4. Now, in exercise of the powers conferred under rule-40 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, Government here by modify the punishment of removal from service besides recovery of Rs.21,630/- with 12% interest per annum on Sri A.Surender Goud, former Assistant Engineer, awarded by the Managing Director, A.P. State Housing Corporation Limited, Hyderabad to that of stoppage of two increments without cumulative effect besides recovery of Rs.21,630/- with 12% interest per annum.

5. The Managing Director, A.P. State Housing Corporation Limited, Hyderabad shall take further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.V.P.C.SASTRY
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri A.Surender Goud, Asst. Engineer (Removed),
Through: The M.D., A.P.S.H.C.L., Hyderabad.
The Managing Director, A.P. State Housing Corporation Limited, Hyderabad.
Sf/sc.

//FORWARDED::BY ORDER//

SECTION OFFICER